

WHAT SHOULD YOU DO?

If you feel that your peace is being disturbed, consider the following options:

- **Talk to the Person**

Many times a person is unaware that they are disturbing someone else. If you go to that person and let them know, it could solve the problem.

- **Call the Police**

If the above suggestion fails, or if at any time you feel uncomfortable about talking to the offender, call the police. It is a crime to disturb another person's peace. Initially, the officers will act as mediators, and will ask the offender to quiet down. This will usually solve the problem. If the offender refuses, or if the noise starts back up, you will have to make a "Private Person's Arrest" for the police to take action.

- **Civil Action and Nuisance Properties**

In extreme cases, you may be able to file a civil action against the offending party. There have been instances where a "property" has been deemed a nuisance by the courts and the owners have been forced to clean up or sell the property. For chronic reoccurring disturbances, contact Safe Streets Now at (562) 570-1010, or the City's Nuisance Abatement Officer at (562) 570-5097.

You may also be able to get a restraining order when the disturbances are deliberate and frequent. Contact the County Courts at (562) 491-5925 for assistance.



PRIVATE PERSON'S ARREST

Ultimately, you may have to make a "Private Persons Arrest" in order for the police to take action against a noise offender. This is also sometimes referred to as a "citizen's arrest." If this occurs, you will be asked to sign a complaint form, indicating that you are placing the offender under arrest for the violation. Technically, you will be making the arrest, and turning the person over to the custody of the police officer. The officer will then either cite and release the offender or take them to jail, depending on the circumstances.

You may be required to appear in court, since you are the victim of the crime and the person making the arrest. You may also be subject to civil liability in the event the offender claims "false arrest." Keep in mind that this should be used as a last resort, after the offender has been given a chance to comply.



For further information regarding this brochure, or for other crime prevention material, call or write to:

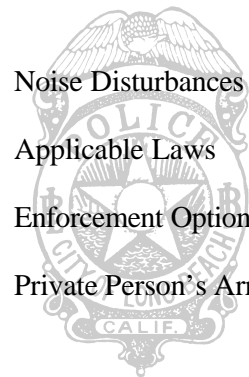
**Long Beach Police Department
Community Relations Division
Crime Prevention Unit
100 Long Beach Boulevard
Long Beach CA 90802
(562) 570-7215**



Disturbing the Peace



- Noise Disturbances
- Applicable Laws
- Enforcement Options
- Private Person's Arrest



AN OVERVIEW PROVIDED BY THE
LONG BEACH POLICE DEPARTMENT

NOISE DISTURBANCES

A person's peace can be disturbed in many different ways; it all depends on the individual. Loud music, construction noise and barking dogs are all examples of potentially disturbing noise. What is disturbing to one person may not be disturbing to another. The courts take into consideration a "reasonable person of normal sensitivity" when determining whether the noise violates the law.

A police officer's "peace" cannot be disturbed. Therefore, it is necessary for a private person to make a complaint against a noise offender. If you are concerned about retaliation, you can make the complaint anonymously. Just call "911" and tell the operator that you do not wish to be contacted by the officers. The police officers will not reveal your identity to the offender when they contact them regarding the complaint. Sometimes, if the offender is uncooperative and they refuse to quiet down, you may be asked if you want to make a "Private Person's Arrest." If this happens, you will have to make your identity known to the offender. The 911 operator and officers who respond to your call will explain your options in more detail and answer any questions you may have.

This guide is intended to provide an overview of noise regulations, as well as some possible ways to deal with disturbances. For more detail about the laws regarding noise regulations, refer to the Long Beach Municipal Code (LBMC) and the California Penal Code (CPC). The Long Beach Municipal Code can be accessed online at <http://www.ci.long-beach.ca.us>.

APPLICABLE LAWS

• Motor Vehicles

Alarms

Many vehicle alarms are activated by accident or carelessness and not as a result of any criminal activity. If a vehicle alarm is sounding for 15 minutes or more, a police officer can take reasonable steps to enter the vehicle, disconnect the alarm, and tow the vehicle. The owner could also be cited.
LBMC 10.25.010

Horns

It is unlawful for someone to activate a vehicle horn in a residential neighborhood except as a warning signal.
CVC 27001(a) LBMC 8.80.220

• Loud Parties/Radios

Section 415 of the California Penal Code states "any person who maliciously and willfully disturbs another person by loud and unreasonable noise," is guilty of a misdemeanor, and could face up to 90 days in the county jail or a \$400 fine. Section 8.80.200 of the LBMC prohibits disturbing noise which extends beyond property lines between the hours of 10 pm and 7 am.

CPC 415 (2) LBMC 8.80.200

• Barking Dogs

It is against the law for a person to permit any dog under his control to bark, howl, whine or make other loud and unusual noises, which annoy and become offensive.
LBMC 6.16.110

• Construction Noise

There are special restrictions which apply to construction permits. Except for emergency repairs, no person shall operate or permit the operation of any tools or equipment used for construction or any other related building activity, which annoys or disturbs a reasonable person of normal sensitivity during the following hours:



Monday through Friday
and Legal Holidays,
before 7 am and after 7 pm.
Saturday,
before 9 am and after 6 pm.
Sunday, by special permit only
before 9 am and after 6 pm.
LBMC 8.80.202

• Leaf Blowers

The Long Beach Municipal Code prohibits the operation of leaf blowers within residential areas, or within 400 feet of residential areas between the following hours:

• Other Noise Restrictions

Monday through Friday,
before 7 am and after 8 pm.
Saturday,
before 9 am and after 5 pm.
Sunday and legal holidays,
before 11 am and after 5 pm.
LBMC 8.80.200

Certain ordinances specify maximum noise decibel levels allowed. The City has established a "Noise Control Office," which has the power to enforce noise regulations within the Long Beach Municipal Code. Complaints of this nature should be made to the City's Noise Control Office at (562) 570-4126.